

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Brian C. Andrews, Esq. (SBN 212969) 6496 Weathers Place, Suite 200 San Diego, CA 92121 T: 858-452-5600 F: 858-452-5601 brian@briancandrews.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Michael Ruffner</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;"><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>	
<p>In re:</p> <p>Michael Joseph Ruffner</p> <p>Debtor(s).</p>	<p>CASE NO.: 8:17-bk-14421-ES CHAPTER: 7</p> <p><b>NOTICE OF MOTION FOR:</b> Withdrawal as Counsel to Michael Ruffner</p> <p><b>(Specify name of Motion)</b></p> <p>DATE: 04/17/2018 TIME: 10:30 am COURTROOM: 5A PLACE: Ronald Reagan Federal Building &amp; Courthouse 411 West 4th St, Ste 5040 /Ctrm 5A, Santa Ana, CA 92701</p>

1. TO (*specify name*): All Parties of Interest
2. NOTICE IS HEREBY GIVEN that on the following date and time and in the indicated courtroom, Movant in the above-captioned matter will move this court for an Order granting the relief sought as set forth in the Motion and accompanying supporting documents served and filed herewith. Said Motion is based upon the grounds set forth in the attached Motion and accompanying documents.
3. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

4. **Deadline for Opposition Papers:** This Motion is being heard on regular notice pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written response with the court and serve a copy of it upon the Movant or Movant's attorney at the address set forth above no less than fourteen (14) days prior to the above hearing date. If you fail to file a written response to this Motion within such time period, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.
5. **Hearing Date Obtained Pursuant to Judge's Self-Calendaring Procedure:** The undersigned hereby verifies that the above hearing date and time were available for this type of Motion according to the judge's self-calendaring procedures.

Date: 02/27/2018

Andrews Law Group  
Printed name of law firm

/s/ Brian C. Andrews  
Signature

Brian C. Andrews  
Printed name of attorney

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION FOR** (*specify name of motion*)  
Withdrawal as Counsel to Michael Ruffner

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 02/27/2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:  
Thomas H Casey (TR) msilva@tomcaseylaw.com, thc@trustesolutions.net  
Rafael R. Garcia-Salgado rgarcia@bwsllaw.com, bantle@bwsllaw.com, rjr-nef@bwsllaw.com  
Richard J. Reynolds rreynolds@bwsllaw.com, psoeffner@bwsllaw.com, tmims@bwsllaw.com, rjrnef@bwsllaw.com  
fcabezas@bwsllaw.com; United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 02/27/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Michael Ruffner 4829 Camino Costado San Clemente, CA 92673

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 02/26/2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Erithe Smith  
USBC - Santa Ana  
411 W. 4th Street  
Santa Ana, CA 92701

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/27/2018  
Date

Brian C. Andrews  
Printed Name

/s/ Brian C. Andrews  
Signature

**BRIAN C. ANDREWS, ESQ. (SBN 212969)**

brian@briancandrews.com

**ANDREWS LAW GROUP, INC.**

6496 Weathers Place, Suite 200

San Diego, CA 92121

Phone: (858) 452-5600

Fax: (858) 452-5601

Attorneys for Debtor,  
MICHAEL RUFFNER

**UNITED STATES BANKRUPTCY COURT**

**CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In Re:

MICHAEL RUFFNER

In Proceedings Under Chapter 7

Case No.: 8:17-bk-14421-ES

Trojan Capital Investments, LLC

Movant,

v.

Michael Ruffner, Debtor,

Respondents.

**NOTICE OF MOTION AND MOTION OF  
ANDREWS LAW GROUP, INC. TO  
WITHDRAW AS COUNSEL FOR  
MICHAEL RUFFNER**

**[DECLARATION OF BRIAN C.  
ANDREWS, ESQ. FILED  
CONCURRENTLY]**

Date: April 17, 2018

Time: 10:30am

Ctrm/Floor: 5A

Judge: Hon. Erithe A. Smith

PLEASE TAKE NOTICE that Andrews Law Group, INC. ("ALG"), counsel for Michael Ruffner ("Debtor") in the above-captioned Chapter 7 case, hereby moves (the "Motion") the Court for an order granting ALG's request to withdraw as counsel to Debtor. This motion is made pursuant to Rule 2091-1 of the Local Bankruptcy Rules of the United States Bankruptcy Code for the Central District of California ("LBR") and Rule 3-700 of the California Rules of Professional Conduct.

1 PLEASE TAKE FURTHER NOTICE that, pursuant to LBR 2091-1(c)(1), notice of this  
2 Motion is being given by first class United States mail or through Notice of Electronic Filing  
3 ("NEF") to the Debtor, the Trustee, the Office of the United States Trustee for the Central District  
4 of California, parties in interest that have requested special notice pursuant to LBR 2002, and  
5 parties named and appearing in the above-captioned bankruptcy case.

6 PLEASE TAKE FUTHER NOTICE that, pursuant to LBR 9013-1(f), opposition to the  
7 Motion, if any, must be filed with the Court and served upon the undersigned counsel no later than  
8 14 days before the date set for the hearing. Pursuant to LBR 9013-1(b), failure to respond to the  
9 Motion in a timely fashion may be deemed by the Court to constitute consent to the relief sought in  
10 the Motion.

11  
12 February 22, 2018

**ANDREWS LAW GROUP, INC.**

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14 By: /s/Brian D. Andrews  
15 Attorney for Debtor, Michael Ruffner  
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1 TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY COURT  
2 JUDGE, AND ALL INTERESTED PARTIES.

3 ALG hereby submits this Motion seeking an order approving the withdrawal of ALG as  
4 counsel of record for Debtor.

5 **I. INTRODUCTION**

6 By this Motion, ALG seeks to withdraw as counsel of record for Debtor. To date, as a  
7 result of ALG's representation of Debtor in opposing the Motion to Lift Automatic Stay claim filed  
8 by Trojan Capital Investments, LLC, ALG has incurred \$2,066.00 in unpaid attorneys fees.  
9 Furthermore, Debtor has been unresponsive and unreachable for the last 30 days. Due to Debtor's  
10 unwillingness to cooperate and communicate with counsel and his failure to meet his financial  
11 obligations to ALG and the likelihood that the ongoing bankruptcy and related proceedings will  
12 continue to drag on, ALG has no choice but to withdraw as counsel to Debtor. Debtor has been  
13 notified of the withdrawal and his need to seek new counsel.  
14

15  
16 **II. JURISDICTION AND VENUE**

17 This Court has jurisdiction over this proceeding pursuant to 28 U.S. C. §157(b)(2)(1) and 28  
18 U.S.C. section 1334. Venue is proper pursuant to 28 U.S.C §1408.

19 The statutory predicates for the relief sought herein are Rule 2091-1 of the Local  
20 Bankruptcy Rules of the United States Bankruptcy Court for the Central District of California  
21 (hereinafter, the "Local Bankruptcy Rules") and Rule 3-700(C) of the California Rules of  
22 Professional Conduct (hereinafter, the "Rules of Conduct").  
23

24 **III. STATEMENT OF FACTS**

25 On November 8, 2017, Debtor filed a voluntary petition for relief under Chapter 7 of Title  
26 11 of the United States Code in the United States Bankruptcy Court for the Central District of  
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1 California, Santa Ana Division, as United States Bankruptcy Court Case No. 8:17-bk-14421-ES, In  
2 re Michael Joseph Ruffner.

3 On or about November 28, 2017, Trojan Capital Investments, LLC (“Trojan”), filed a  
4 Notice of Motion and Motion for Relief from the Automatic Stay under 11 U.S.C. Section 362.

5 On or about January 10, 2018, Debtor retained ALG to represent him in filing the  
6 Opposition to the Motion for Relief From the Automatic Stay. (Declaration of Brian C Andrews  
7 ¶3).

8 To date, debtor has not paid ALG for their work, per the Retainer Agreement, in the  
9 outstanding amount of \$2066.00. (Declaration of Brian C Andrews ¶4). Debtor has been  
10 unresponsive and unreachable. He has been notified of the withdrawal and his need to seek new  
11 counsel. (Declaration of Brian C Andrews ¶5).

#### 12 IV. DISCUSSION

13 An attorney may appropriately withdraw as counsel when a client fails to satisfy its  
14 obligations to compensate the attorney for work performed.

##### 15 A. Withdrawal is Appropriate

16 Pursuant to LBR 2091-1(a)(1), “[a]n attorney who has appeared on behalf of an entity in  
17 any matter concerning the administration of the case, in one or more proceedings, or both, may not  
18 withdraw as counsel except by leave of Court...” Such leave may be granted by the bankruptcy  
19 court so long as withdrawal is consistent with the California Rules of Professional Conduct. *Value*  
20 *Property Trust v. Zim Co. (In re Mortgage Realty Trust)*. 195 B.R. 740, 747 (Bankr. C.D. Cal.  
21 1996) (stating that the applicable professional conduct standards for attorneys practicing in the  
22 Bankruptcy Court for the Central District of California are provided by the rules of professional  
23 conduct promulgated by the California State bar). Withdrawal as counsel of record is permitted  
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1 pursuant to the California Rules of Professional Conduct if the client breaches its obligations to pay  
2 his counsel's fees and expenses incurred in such representation. Rule of Conduct 3-700(C).

3 1. ALG has suffered financial Loss While Debtor Has  
4 Benefitted From Free Legal Counsel

5 ALG represented Debtor in filing his late Opposition to Motion to Lift Stay in his pending  
6 bankruptcy matter, without payment of attorney's fees or expenses, which now amount to  
7 \$2,066.00. Moreover, Debtor has been unresponsive and unreachable for the last 30 days. Debtor  
8 has breached his obligation to pay ALG for attorney's fees and expenses incurred in this  
9 representation. Withdrawal is permitted pursuant to California Rules of Professional Conduct, 3-  
10 700(c). ALG now has no other choice but to withdraw from this case.

12 **V. CONCLUSION**

13 ALG represented Debtor to the best of our ability to represent his interests in filing Debtor's  
14 Opposition to Motion to Lift Stay. However, debtor has failed to satisfy his obligations under the  
15 Retainer agreement, failing to pay any fees and expenses in this case. Withdrawal should be  
16 granted.  
17

18 Dated: February 22, 2018

Andrews Law Group Inc.

20 By: /s/Brian D. Andrews  
21 Brian C. Andrews, Esq.  
22 Attorney for Debtor, Michael Ruffner  
23  
24  
25  
26  
27  
28

**BRIAN C. ANDREWS, ESQ. (SBN 212969)**

brian@briancandrews.com

**ANDREWS LAW GROUP, INC.**

6496 Weathers Place, Suite 200

San Diego, CA 92121

Phone: (858) 452-5600

Fax: (858) 452-5601

Attorneys for Debtor,  
MICHAEL RUFFNER

**UNITED STATES BANKRUPTCY COURT**

**CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In Re:

MICHAEL RUFFNER

In Proceedings Under Chapter 7

Case No.: 8:17-bk-14421-ES

Trojan Capital Investments, LLC

Movant,

v.

Michael Ruffner, Debtor,

Respondents.

**DECLARATION OF BRIAN C. ANDREWS,  
ESQ. IN SUPPORT OF MOTION OF  
ANDREWS LAW GROUP, INC. TO  
WITHDRAW AS COUNSEL FOR  
MICHAEL RUFFNER**

Date: April 17, 2018  
Time: 10:30am  
Ct rm/Floor: 5A  
Judge: Hon.Erithe A. Smith

I, Brian C. Andrews, Esq., declare as follows:

1. I am an attorney at law duly licensed to practice before all courts in the State of California and before the United States District Courts for the Northern, Central and Southern Districts of California. I am the attorney of record for MICHAEL RUFFNER ("Debtor"), in the above-entitled proceedings and, as such, I have knowledge of the matters contained herein and they are true and correct of my own personal knowledge, except for those matters stated upon information and belief; as to those matters, I believe them to be true and correct and believe my information is from a reliable source. If called and sworn as a witness, I could and would testify competently thereto.

1           2.       I make this declaration in support of the Motion of Andrews Law Group, Inc.  
2 ("ALG") to withdraw as Counsel for Debtor.

3           3.       On or about January 10, 2018, Debtor retained ALG to represent him in filing the  
4 Opposition to the Motion for Relief From the Automatic Stay.

5           4.       To date, debtor has not paid ALG for their work, per the Retainer Agreement, in the  
6 outstanding amount of \$2066.00. A true and correct copy of ALG invoices are attached hereto as  
7 Exhibit A.

8           5.       ALG support staff has attempted multiple times to reach Debtor to discuss his matter  
9 and attempt to collect his outstanding debt to our office, to no avail.

10          6.       Due to debtor's refusal to communicate with our office and his refusal to pay the  
11 Attorney's Fees due to this office, ALG has no choice but to withdraw as counsel in this matter.  
12 Debtor has been notified of the withdrawal and his need to seek new counsel.

13  
14           **I declare under penalty of perjury under the laws of the State of California, and the**  
15 **United States of America, that the foregoing facts are all true and correct, and that this**  
16 **Declaration was executed by me on February 23, 2018, in the County of San Diego,**  
17 **California.**

18 DATED: 2/23/2018

/S/Brian C. Andrews  
BRIAN C. ANDREWS, ESQ.  
Attorneys for Debtor, MICHAEL RUFFNER

# **EXHIBIT A**

**ANDREWS LAW GROUP, INC.**

6496 WEATHERS PLACE, SUITE 200

SAN DIEGO, CA 92121

TEL (858) 452-5600 FAX (858) 452-5601

**INVOICE**

INVOICE Ruffner-001

Date: 2/1/18

**BILL TO**

Michael Ruffner

ATTORNEYS		HOURLY RATE			
Associate Attorney		200			
Paralegal		100			
DESCRIPTION	HOURS	HOURLY RATE	AMOUNT	LAWYER	
1/10/2018 Review docs from Client and on Pacer	1.00	\$ 300.00	\$ 300.00	BCA	
1/10/2018 Review docs from Client and on Pacer; create Client file and organize docs	1.00	\$ 100.00	\$ 100.00	EAC	
1/10/2018 Email to Trustee	0.20	\$ 100.00	\$ 20.00	EAC	
1/10/2018 Follow-up email to Trustee	0.10	\$ 300.00	\$ 30.00	BCA	
1/10/2018 Email from Client; print attachment	0.20	\$ 100.00	\$ 20.00	EAC	
1/10/2018 Reviewed Motion for Relief from Stay and Client docs and notes; case direction with Elizabeth	1.00	\$ 300.00	\$ 300.00	BCA	
1/10/2018 Prepared Opposition to Motion for relief from stay	1.20	\$ 100.00	\$ 120.00	EAC	
1/10/2018 Review draft of oppo; case direction with Elizabeth	0.50	\$ 300.00	\$ 150.00	BCA	
1/10/2018 Finalized oppo; filed and served	0.60	\$ 100.00	\$ 60.00	EAC	
1/11/2018 Prepare for hearing; appear at hearing; notes to file and calendar	2.00	\$ 300.00	\$ 600.00	BCA	
1/11/2018 Met w/ OC after hearing	0.30	\$ 300.00	\$ 90.00	BCA	
1/11/2018 Search for release at County Recorder	0.70	\$ 300.00	\$ 210.00	BCA	
1/17/2018 Email from Client; print attachments	0.20	\$ 100.00	\$ 20.00	EAC	
1/17/2018 Email from Client	0.10	\$ 100.00	\$ 10.00	EAC	
1/17/2018 Email to client	0.10	\$ 300.00	\$ 30.00	BCA	
1/18/2018 Email from Client	0.10	\$ 100.00	\$ 10.00	EAC	
1/18/2018 Email from Client; print attachments	0.10	\$ 100.00	\$ 10.00	EAC	
1/18/2018 Email from Client; print attachment	0.10	\$ 100.00	\$ 10.00	EAC	
1/18/2018 Email from Client	0.10	\$ 100.00	\$ 10.00	EAC	
1/18/2018 Email from Client; print attachment	0.10	\$ 100.00	\$ 10.00	EAC	
1/18/2018 Review of Client docs and case direction with Elizabeth	0.50	\$ 300.00	\$ 150.00	BCA	

1/18/2018	Multiple calls w/ client re: supp dec	0.50	\$	100.00	\$	50.00	EAC
1/18/2018	Draft supp dec	1.50	\$	100.00	\$	150.00	EAC
1/18/2018	Review and edited draft supp dec	0.50	\$	300.00	\$	150.00	BCA
1/18/2018	Finalized supp dec; filed and served	0.70	\$	100.00	\$	70.00	EAC
1/19/2018	Email from Client	0.10	\$	100.00	\$	10.00	EAC
1/19/2018	Email from Client; print attachment	0.20	\$	100.00	\$	20.00	EAC
1/19/2018	Email from Client; print attachment	0.20	\$	100.00	\$	20.00	EAC
1/19/2018	Email from Client	0.10	\$	100.00	\$	10.00	EAC
1/21/2018	Email from Client	0.10	\$	100.00	\$	10.00	EAC
1/21/2018	Multiple phone calls w/ OC re: docs from Client and Oppo	0.30	\$	300.00	\$	90.00	BCA
1/21/2018	Multiple phone calls and texts to and from Client re: docs, deadline, case	0.50	\$	300.00	\$	150.00	BCA
1/31/2018	Emailed Oppo to Client	0.20	\$	100.00	\$	20.00	EAC
1/31/2018	Review reply and make notes; review docs on Pacer	1.00	\$	300.00	\$	300.00	BCA
2/1/2018	Prepare for hearing; appear at hearing; notes to file and calendar	2.00	\$	300.00	\$	600.00	BCA
2/1/2018	Meeting with OC after hearing	0.30	\$	300.00	\$	90.00	BCA
2/1/2018	Email from Client	0.10	\$	100.00	\$	10.00	EAC
2/1/2018	Email from Client	0.10	\$	100.00	\$	10.00	EAC
TOTAL BILLABLE HOURS						\$4,020.00	
HARD COSTS (Copies)						\$	46.00
TOTAL HOURS + HARD COSTS						\$	4,066.00
TRUST ACCOUNT BALANCE						\$	2,000.00
SUBTOTAL						\$	2,066.00
TOTAL AMOUNT DUE						\$	2,066.00
Thank you for your business!							